



Homeland  
Security

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# News Release

**SMARTY JONES' CHAMP JOCKEY ARRESTED  
BY HOMELAND SECURITY FOR IMMIGRATION VIOLATION**  
*Stewart Elliot rode winning horse in 2004 Kentucky Derby and Preakness Stakes*

WASHINGTON, D.C.-- The Department of Homeland Security has arrested and detained jockey Stewart Elliot, a citizen of Canada and the winning jockey of the 2004 Preakness Stakes and Kentucky Derby.

Elliot, 39, arrived from Hong Kong Dec. 9 aboard China Air flight 830 at JFK airport in New York. At that time, he was initially referred to secondary by U.S. Customs and Border Protection (CBP) officers based on being identified through a database. After an initial interview, Elliot was asked to return Tuesday for a follow-up interview, also called a "deferred inspection." The appointed place for the deferred inspection was Philadelphia International Airport.

In Philadelphia, Elliot's felony record was confirmed and he was taken into custody as an immigration status violator and transferred to U.S. Immigration and Customs Enforcement (ICE) custody.

Elliot's arrest was based upon a June 11, 2001 felony criminal conviction for aggravated assault. Under the Immigration and Nationality Act of 1996, aliens with felony convictions are subject to removal from the United States. Additionally, law stipulates the detention of criminal aliens.

Elliot was transferred to ICE custody and transported to York County Prison in York, Pa. Initially, he was detained and was to have had an expedited master calendar hearing before an immigration judge. Elliot was paroled today.

As an arriving alien entering the United States, albeit a deferred inspection, Elliot was eligible under immigration law to be released through parole. Had he been arrested inside the country, ICE would have had to determine if Elliot was eligible to be released on a cash bond or kept in detention.

Elliot is not in the United States illegally. He still must appear before a federal immigration judge to have his legal status determined. Elliot's immigration court date will be scheduled by the immigration court, not by the Department of Homeland Security.

ICE set an all-time record in fiscal year 2004, which ended on Sep. 30, deporting more than 160,000 aliens; 53 percent were criminal aliens. Nationwide, 635 Canadian nationals were deported last year; 448 were criminal aliens.

# DHS #